

Ordinance No. 29-2020

Ordinance ratifying the Order issued by Mayor Santellana on April 28, 2020; declaring an emergency

WHEREAS, as a result of the COVID-19 pandemic, the City of Wichita Falls is currently facing exposure of its citizens to this deadly virus, as well as tremendous economic losses; and,

WHEREAS, on March 27, 2020, the Wichita Falls City Council issued a Shelter in Place Order, which was amended on March 31, 2020; and,

WHEREAS, the City of Wichita Falls has had 63 positive cases of the virus at the time of the drafting of this ordinance; and,

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Orders GA-18, GA-19, and GA-20, designed to put in place guidelines and restrictions regarding the COVID-19 pandemic; and,

WHEREAS, Mayor Santellana issued an Order on April 28, 2020, designed to comply with the referenced Executive Orders; and,

WHEREAS, the City Council desires to ratify such Order.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. Pursuant to Section 418.108 of the Texas Government Code, the City Council hereby ratifies the Order issued by Mayor Santellana on April 28, 2020.
2. Pursuant to Section 418.108(b) of the Texas Disaster Act, this Order shall continue unless modified or rescinded.
3. This ordinance is passed as an emergency measure and shall become effective immediately upon its passage.

PASSED AND APPROVED this the 5th day of May, 2020.


MAYOR

ATTEST:


City Clerk



CITY OF WICHITA FALLS, TEXAS

**AN ORDER ISSUED BY THE
MAYOR AND CITY COUNCIL OF THE CITY OF WICHITA FALLS
MAY 5, 2020**

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency regarding COVID-19; and,

WHEREAS, March 13, 2020, Governor Greg Abbott declared a national emergency regarding COVID-19; and,

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and,

WHEREAS, on March 19, 2020, Governor Abbott issued Executive Order GA 08 Relating to COVID-19 Preparedness and Mitigating, stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and,

WHEREAS, on March 19, 2020, and March 25, 2020, due to the substantial risks to the public, Mayor Santellana issued an order deeming it in the public interest to prohibit anywhere in the City of Wichita Falls, Community Gatherings of more than 10 people; and,

WHEREAS, at his March 22, 2020 press conference, the Governor acknowledged that the urban centers may need to enact more stringent measures to address this public health emergency and stated that he would applaud the cities for doing so; and,

WHEREAS, as of April 28, 2020, there are 25,297 persons confirmed to have COVID-19 in Texas, with 63 of those residing in Wichita County, Texas; and,

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, the evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and,

WHEREAS, making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and,

WHEREAS, because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus; and,

WHEREAS, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the City; and,

WHEREAS, the Mayor and City Council have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF WICHITA FALLS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FINDS, RESOLVES AND ORDERS THAT:

1. The findings and recitations set out in the preamble to this Order are incorporated herein and found to be true and correct, and they are hereby adopted by the Mayor and City Council and made a part hereof for all purposes. This Order rescinds and replaces prior Orders.

The previously declared local state of disaster for the City of Wichita Falls, Texas, is hereby renewed and continued, as amended herein.

Pursuant to §418.108(b) of the Texas Government Code, this renewal and continuance of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

Pursuant to §418.108(d) of the Texas Government Code, this renewal and continuance of the declaration of a local state of disaster activates the City's emergency management plan.

2. **Effective Date.** This modified Order is effective immediately, and continues in effect unless terminated or modified by a subsequent Order.

3. **COVID-19 Guidelines.** It is strongly recommended that Individuals and Business should follow the Guidelines from the President and the CDC and Texas Department of Health and Human Services by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, wearing face coverings in public places, and working from home if possible.

4. The City of Wichita Falls asks that everyone support Governor Abbott's Texans Helping Texans protocols, as well as his Executive Orders GA-18, GA-19, and GA-20, as well as any future executive orders.

5. Reporting of COVID-19 Tests.

- (a) All doctors located in Wichita Falls ordering COVID-19 testing and all public, private, and commercial laboratories operating within Wichita Falls and performing COVID-19 testing are Ordered to report to the Wichita Falls-Wichita County Public Health District, at 940-761-7803, the following information:
 - 1. report by 3:00 p.m. each day for the prior 24-hour period the number of COVID-19 tests performed;
 - 2. report immediately the number of positive COVID-19 tests; and,
 - 3. report by 3:00 p.m. each day for the prior 24-hour period the number of negative COVID-19 tests.
- (b) This information will be used solely for public health purposes to mitigate and contain the spread of COVID-19.

6. Suspension and Modification of Ordinances.

- a. Any ordinances or regulations that conflict with this amended proclamation are suspended or modified as necessary to make this amended proclamation effective.
- b. Any ordinance or regulation that imposes an obligation upon the City to bring an application, waiver, or variance to the next available meeting required by ordinance to any board or commission is hereby suspended, including but not limited to the following ordinances:
 - (1) 7220 – Public hearing and notice for a Conditional Use Permit.
 - (2) 7325 -- Public hearing and notice for a Variance.
 - (3) 7430 – Public hearing and notice for Administrative Appeals.
 - (4) 7525 – Public hearing and notice for Zoning Amendments.
- c. The following City of Wichita Falls Code of Ordinances are hereby suspended:
 - (1) Chapter 10, Article III. – Shows, Carnivals and Circuses. Transient show permits shall not be issued.
 - (2) Chapter 26, Article III. – Solicitors. Solicitation permits shall not be issued.
 - (3) Chapter 26, Article IV. – Itinerant Merchants. Itinerant merchant permits shall not be issued.
 - (4) Chapter 14, Article IV, Division 3, Sec. 14-373(b) - (e). – Waiver of requirement to provide proof of rabies vaccination and spay/neuter reclaimed animal.
- d. The following are hereby modified:
 - (1) Chapter 22, Article II, Sec. 22-27. – Changes, Section 109.1 Payment of fees shall be modified as follows:

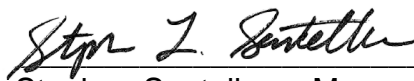
- a. *The building official shall have the authority to issue a permit without fee and issue an invoice for said permit to be paid at a later date.*
- (2) Chapter 58, Article IV, Sec. 58-138(c)(1) shall be modified as follows:
 - a. *A manager of operations of a public or semi-public aquatic facility shall obtain certification from the regulatory authority. A manager of operations may obtain certification if a manager of operations has successfully completed a training course conducted by the regulatory authority in the preceding three years.*
- e. Suspension or modification of the ordinances and regulations shall remain in effect until these regulations are terminated or until the state of disaster is terminated, whichever is sooner.

7. Enforcement. The Wichita Falls Police Department, Wichita County Sheriff's Office, the Wichita Falls Fire Marshal's Office, and other Texas peace officers, are hereby authorized to enforce this order. A violation of this order may be punishable through criminal or civil enforcement. A violation of this order shall be a Class C misdemeanor and the penalty for violating this Order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), as authorized by Texas Government Code 418.173.

8. Posting of this Order. The Wichita Falls/Wichita County Public Health District will post this Order on its website.

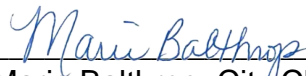
9. Savings Clause. If any provision of this Order or its application to any person or circumstance is held by a court of competent jurisdiction to be invalid or unconstitutional, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

ORDERED this the 5th day of May, 2020, in the City of Wichita Falls, Wichita County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the City of Wichita Falls.



Stephen Santellana, Mayor
City of Wichita Falls

Filed with me, the City Clerk of the City of Wichita Falls, this 5th day of May, 2020, by Mayor Stephen Santellana, whose signature I hereby attest under my hand and the seal of the City of Wichita Falls.



Marie Balthrop, City Clerk
City of Wichita Falls